

## **CITY UTILITIES COMMITTEE**

### **MINUTES**

**OCTOBER 31, 2006**

The regularly scheduled meeting of the City Utilities Committee held on **Tuesday, October 31, 2006 at 9:48 a.m.**, in Committee Room #2. The following members were present:

**The Honorable Ceasar C. Mitchell, Chair**  
**The Honorable Clair Muller**  
**The Honorable Carla Smith**  
**The Honorable Ivory L. Young, Jr., Vice-Chair**  
**The Honorable Howard Shook**

The following member was absent:

**The Honorable Natalyn M. Archibong**

Others present at the meeting were: Councilmembers Felicia A. Moore and Mary Norwood, Renee Shepherd, Stephanie Grant, Marc Goncher and Megan Middleton, Law Department; Commissioner Robert Hunter, Deputy Commissioners Shelia Pierce, George Barnes and Joseph Basista, Department of Watershed Management; Nursef Kedir, Department of Public Works; Cathy Martin Office of Procurement; public and Council Staff.

Chairman Mitchell called the meeting to order at 9:48 a.m. after declaring a quorum present. He then proceeded with the following order of business.

- A. ADOPTION OF AGENDA - ADOPTED AS AMENDED TO ADD AN UPDATE ON THE WEST AREA STORAGE TUNNEL PROJECT -**  
**Commissioner Robert Hunter indicated there will be a 12 month delay on this project.**
- B. APPROVAL OF MINUTES - APPROVED**
- C. COMMUNICATIONS**

06-C-2270 ( 1) A Communication by Councilmember Felicia A. Moore appointing **Ms. Tanya C. Mitchell** to serve as a member of Keep Atlanta Beautiful Board of Directors. This appointment is for a term of two (2) years, scheduled to begin on the date of Council confirmation.

**(Councilmember Young made a motion to approve.)**

**FAVORABLE- REFERRED TO COMMITTEE ON COUNCIL**

**City Utilities Committee Minutes**  
**October 31, 2006**  
**Page Two**

**COMMUNICATIONS (CONT'D)**

- 06-C-2271 ( 2)     A Communication by Councilmember Anne Fauver **as amended by City Utilities Committee** re-appointing **Mr. John Wolfinger** to serve as a member of Keep Atlanta Beautiful Board of Directors. This re-appointment is for a term of two (2) years, scheduled to begin on the date of Council confirmation.  
**(Councilmember Muller made a motion to approve as amended.)**

**FAVORABLE AS AMENDED – REFERRED TO COMMITTEE ON COUNCIL**

**D.     ORDINANCES FOR SECOND READING**

- 06-O-2222 ( 1)     An Ordinance by City Utilities Committee to amend the 2007 (2004 Water and Wastewater Bond Fund) Budget in the amount of \$55,147,613.14 to transfer funds from the Reserve for Appropriations (2J28 791001 T11001) for the Phase III Construction Funding for two (2) Sewer Separation Projects (Greensferry and McDaniel) and for other purposes.  
**(Councilmember Shook made a motion to approve.)**

**FAVORABLE**

- 06-O-2273 ( 2)     An Ordinance by Councilmember Clair Muller authorizing the Mayor or her designee to waive the sidewalk requirements of Section 15-09.003 of the City of Atlanta Code of Ordinances, to provide that a certain Subdivision SD-06-52 (147 Blackland Road, NW) applicant deposit a dollar amount (\$2,900.00) equal to the value of the required sidewalk construction into a designated Trust Fund Account for District 8; and for other purposes.  
**(Councilmember Muller made a motion to approve.)**

**FAVORABLE**

- 06-O-2285 ( 3)     An Ordinance by Councilmembers Ceasar C. Mitchell and Clair Muller to amend Chapter 138, Article I, Section 138-13 (g) of the Code of Ordinances of the City of Atlanta, Georgia, to increase the penalty imposed for the unlawful posting of signs within the public right-of-way; and for other purposes.  
**(Councilmember Shook made a motion to approve.)**

**FAVORABLE**

**City Utilities Committee Minutes**  
**October 31, 2006**  
**Page Three**

**E.    RESOLUTIONS**

- 06-R-2281 ( 1)    A Resolution by Councilmember Ivory L. Young, Jr. **as substituted by City Utilities Committee** authorizing payment of stipulated penalties imposed by the Environmental Protection Agency (EPA) and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia (EPD) in the amount of \$8,500.00 as stipulated penalties for the violation Total Residual Chlorine at the Clear Creek CSO on October 19, 2006 pursuant to the CSO Consent Decree, Civil Action File No. 1:95-CV-2550-TWT; to identify the source of funding; and for other purposes.  
**(Councilmember Muller made a motion to approve on substitute.)**

**FAVORABLE ON SUBSTITUTE**

- 06-R-2295 ( 2)    A Resolution by City Utilities Committee authorizing the Mayor to execute Amendment No. 1 with the U. S. Geological Survey, U. S. Department of the Interior, for FC-6004007858 Water Quality and Water Quantity Long Term Monitoring Network, on behalf of the Department of Watershed Management, in an amount not to exceed \$1,000,000.00; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J01 (Water and Wastewater Renewal Fund) 524001 (Consultant/Professional Services) Q83001 (Industrial Inspection & Monitoring); and for other purposes.  
**(Councilmember Young made a motion to approve.)**

**FAVORABLE**

**City Utilities Committee Minutes**  
**October 31, 2006**  
**Page Four**

**RESOLUTIONS (CONT'D)**

06-R-2296 ( 3)     An **Amended** Resolution by City Utilities Committee authorizing the Mayor to enter into Renewal Agreement No. 1 with Rockdale Pipeline, Inc., for FC-6004007832B, Annual Contract for Repair and Replacement of Large Water Meters, on behalf of the Department of Watershed Management, in an amount not to exceed \$6,747,000.00; all contracted work to be charged to and paid from Fund, Account and Center Number: 2J21 (Water & Wastewater Renewal and Extension) 574001 (Facilities other than Buildings) Q65J091294DA (Repair & Replace Large Water Meters); and for other purposes.

**(Councilmember Young made a motion to approve as amended.)**

**FAVORABLE AS AMENDED**

06-R-2297 ( 4)     An **Amended** Resolution by City Utilities Committee authorizing the Mayor to enter into Renewal Agreement No. 1 with ADS Environmental Services for FC-7710-04, Flow Measurement in Combined Sewers and Separate Sanitary Sewers Project, on behalf of the Department of Watershed Management, in an amount not to exceed \$1,581,550.00; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J26 (1999 Water and Wastewater Bond Fund) 524001 (Consultant/Prof. Services) Q38I02239999 (General Sewer Improvements); and for other purposes.

**(Councilmember Mitchell made a motion to hold as amended.)**

**AMENDED AND HELD**

06-R-2298 ( 5)     An **Amended** Resolution by City Utilities Committee authorizing the Mayor to execute Renewal Agreement No. 2 with Parsons, Brinkerhoff, Quade and Douglas, Inc., for FC-7535-02B, Engineering Design Services for Stockade Basin Sewer Separation, on behalf of the Department of Watershed Management, with no additional funding requirements; and for other purposes.

**(Councilmember Shook made a motion to approve as amended.)**

**FAVORABLE AS AMENDED**

**City Utilities Committee Minutes**  
**October 31, 2006**  
**Page Five**

**RESOLUTIONS (CONT'D)**

- 06-R-2299 ( 6)     A Resolution by City Utilities Committee authorizing the Mayor to enter into an agreement with the United States Army Corps of Engineers for a project to analyze and map flood prone areas associated with storm water runoff within the Combined Sewer Basins, on behalf of the Department of Watershed Management, in an amount not to exceed \$333,000.00; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J21 ((Water and Wastewater Renewal and Extension Fund) 524001 (Consultant/Professional Services) Q38I029294DA (CSO Cost Sharing); and for other purposes.  
**(Councilmember Mitchell made a motion to hold.)**

**HELD**

- 06-R-2300 ( 7)     A Resolution by City Utilities Committee authorizing the Mayor or designee to encumber Phase Three (3) funding in the amount of \$2,860,600.00 for the Agreement with Western Summit, Inc., for FC-3004007826, Intrenchment Creek CSO Treatment Plant Project, on behalf of the Department of Watershed Management; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J21 (Water and Wastewater Renewal and Extension) 574001 (Facilities other than Buildings) Q38I028194DA (Intrenchment Creek CSO Treatment Plant); and for other purposes.  
**(Councilmember Young made a motion to approve.)**

**FAVORABLE**

- 06-R-2301 ( 8)     An **Amended** Resolution by City Utilities Committee authorizing the Mayor or designee to issue a **Notice-to-Proceed** to Atlanta Services Group, for FC-7619-03B, Annual Contract for Architectural and Engineering Services, on behalf of the Department of Watershed Management, in

**RESOLUTIONS (CONT'D)**

an amount not to exceed \$415,586.26; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J21 (Water and Wastewater Renewal and Extension Fund) 524001 (Consultant/Professional Services) Q45001 (Engineering Information Systems); and for other purposes.

**(Councilmember Shook made a motion to approve as amended.)**

**FAVORABLE AS AMENDED**

**F. PAPERS HELD IN COMMITTEE**

- 06-O-0306 ( 1)    An Ordinance by City Utilities Committee amending the 2006 (1994 G. O. Bond Referendum Fund) Budget by transferring from and to appropriations in the amount of \$852,361.11 to fund the Paving Management and Improvement Program; and for other purposes. **(Held 2/14/06 at the request of Councilmember Muller.)**
- 06-O-0472 ( 2)    An Ordinance by Councilmembers C. T. Martin and Ivory L. Young, Jr. to re-name Simpson Road from H. E. Holmes Drive to West Peachtree Street, to Coretta Scott King Drive; to waive various subsections of Section 138-8 of the Code of Ordinances; and for other purposes. **(Held 2/14/06 awaiting decision from Coretta Scott King Commission on the appropriate honor for Mrs. King.)**
- 06-R-0563 ( 3)    A Resolution by Councilmember Joyce M. Sheperd authorizing the Mayor to enter into an Agreement with Brock Built, LLC providing for the non-standard location of water meters on private property to which the city provides water services; and for other purposes. **(Referred back by Council 3/6/06) (Held 3/14/06 at the request of the Department of Watershed Management so that developer can address the private property concerns.)**

**City Utilities Committee Minutes**  
**October 31, 2006**  
**Page Seven**

**PAPERS HELD IN COMMITTEE (CONT'D)**

- 06-O-0937 ( 4)     An Ordinance by Councilmember Clair Muller to amend Article VII of Chapter 74 entitled "**Riparian Buffer Requirements**"; to officially change the administrating Department to Watershed Management, to streamline the review process and clarify the Public Notice Requirements; and for other purposes. **(Held 4/25/06 for further review by the Department of Watershed Management.)**
- 06-O-1454 ( 5)     An Ordinance by Councilmember Clair Muller **as amended by City Utilities Committee** to amend Chapter 130 Solid Waste Management, Section 130-84, Rates and Charges, to limit such rate to apply to lots with a residence; and for the other purposes. **(Amended and held 6/27/06 at the request of the author.)**
- 06-O-1573 ( 6)     An Ordinance by Councilmember Kwanza Hall authorizing the Mayor or her designee to enter into an Agreement between Hilton Atlanta and the Atlanta Marriott Marquis and the City of Atlanta for the erection of a bridge in accordance with Section 138-25(b) of the City of Atlanta's Code of Ordinances; and for other purposes. **(Held 7/11/06 for further discussions.)**
- 06-O-1947 ( 7)     An Ordinance by City Utilities Committee to amend Sections 138-25 and 138-26 of the Official Code of Ordinances of the City of Atlanta, Georgia, to authorize the Commissioner of Public Works to determine the monthly rental rates for the air space or subsurface space occupied by bridges, tunnels of similar structures across streets or alleys and balconies over sidewalks of the City of Atlanta; and for other purposes. **(Held 9/18/06 at the request of the Law Department.)**

**PAPERS HELD IN COMMITTEE (CONT'D)**

- 06-O-2048 ( 8)     An Ordinance by Councilmember Ivory L. Young, Jr. authorizing the Mayor or her designee to amend the City of Atlanta's Code of Ordinances Section 138-5 Alleys, so as to define the ownership of the Alleys and maintenance thereof of the Alleys in the City of Atlanta, to immediately begin the defined statutory procedure for abandoning the City of Atlanta's interest in alleys; to request Fulton County to amend the County's Tax Map and to properly adjust all property within Fulton County to properly access property value and taxes and that millage rate reduction would occur equal to the tax increase; and for other purposes.  
**(Held 9/18/06 at the request of Councilmember Young)**  
**(Work session held 10/4/06)**
- 06-O-2057 ( 9)     An Ordinance by Councilmember Mary Norwood amending the City of Atlanta's Code of Ordinances by inserting language in the Solid Waste Section that will effectively deal with litter violators; and for other purposes.  
**(Held 9/18/06 at the request of the Law Department for review of the penalty section)**

**G.     APPRAISAL**

- ( 1)     Appraisal of the **abandoned** portion of Fraser Street, SE consists of 5,569 square feet the Appraiser has estimated fair market value to be \$85,000.00 which indicates \$15.00 per square foot.  
**(Councilmember Smith made a motion to accept the appraisal.)**

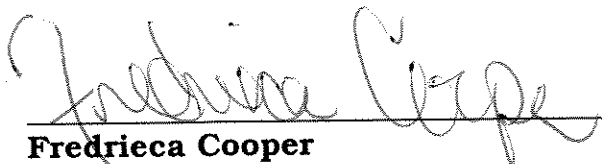
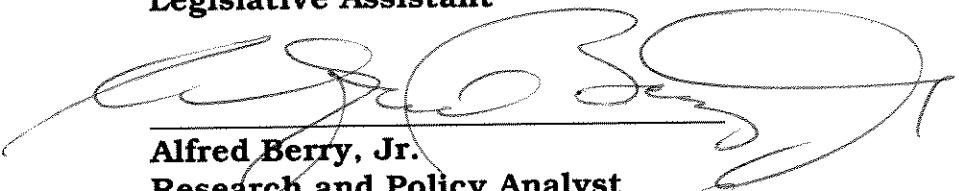
**H.     REQUESTED ITEMS**

1.     Councilmember Mitchell requested the Law Department to provide the answer for, what is a Quit Claim Deed and how it is used as it relates to alleys in the City of Atlanta.
2.     Councilmember Shook wanted to know from the Law Department, why claims were being denied.

**City Utilities Committee Minutes**  
**October 31, 2006**  
**Page Nine**

**There being no further business to come before the Committee, the meeting was adjourned at 11:56 a. m.**

**Respectfully Submitted:**

  
**Fredriecca Cooper**  
**Legislative Assistant**  
**Alfred Berry, Jr.**  
**Research and Policy Analyst**  
**The Honorable Ceasar C. Mitchell, Chair**  
**City Utilities Committee**